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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,132	01/07/2004	Michael Porter	49433/RJW/P689	4436
	7590 11/28/2007 LRKER & HALE, LLP	EXAMINER		
PO BOX 7068			BROWN, VERNAL U	
PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    Examiner	······································	Application No.	Applicant(s)				
Examiner   Vernal U. Brown   Zo12   Zo12   Zo12   Zo12   Zo13   Zo14   Zo15		10/753,132	PORTER, MICHAEL				
Vernal U. Brown	Office Action Summary	·					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions for them may be evaluated under the provisions of 37 cFR 1.186(a), no event, however, may a reply be limitely field  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (a) MONTHS from the mailing date of this communication. Pellule for reply willshift hest or certained period for reply will by states, cause the application to become ARAMONEO (5 SIX S. C. § 1333, Asia yeal) intended by the Clifical size than three maximum statutors, period will apply and will expire SIX (a) MONTHS from the mailing date of this communication. Pellule for reply will be stated, cause the application of section 48 pellulosin CPS (5 SIX S. C. § 133). Asia yealy reply received size than three maximum statutors, and the communication of the section of the section of the section of the section is FINAL.  2b) This action is FINAL.  2b) This action is FINAL.  2b) This action is Indeed the provided of the provided and the prov	•						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions or them may be waitable under the provisions of 37 CPR 118(b), no event, hower, may a reply to brindy filed  If NO pends for reply a specified above, the maximum statutory period will apply and well expire SIX (6) MONTHS from the malling date of this communication.  Fallies to recy when the set or careader period for reply in a specified above, the maximum statutory period will apply and well expire SIX (6) MONTHS from the malling date of this communication.  Fallies to recy when the set or careader period for reply in a specified above, the maximum statutory period will apply and well expire SIX (6) MONTHS from the malling date of this communication.  Fallies to receive when the set or careader period for readered period for readered period for reply in a specified above, the maximum statutory period will apply and well expire SIX (6) MONTHS from the malling date of this communication.  Fallies to receive when the set or careader period for readered period for reply in a specified above, the maximum statutory period will apply and the set of the communication.  Fallies to receive the mail subminication of the set of the communication of the set of the set of the set of the set of the communication.  Status  1) Responsive to communication(s) filed on 10. September 2007.  2a) This action is FINAL.  2b) This action is FinAL.  2b) This action is FinAL.  2b) This action is for final maximum statutory and the set of the s			•				
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1)⊠ Responsive to communication(s) filed on 10 September 2007.  2a)□ This action is FINAL. 2b)⊠ This action is non-final.  3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)☑ Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)□ Claim(s) is/are allowed.  6)☑ Claim(s) 1-25 is/are rejected.  7)□ Claim(s) is/are objected to.  8)□ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)□ The specification is objected to by the Examiner.  10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.121(d).  11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)□ All b)□ Some * c)□ None of:  1.□ Certified copies of the priority documents have been received in Application No  3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☑ Notice of Praftsperson's Paten Drawing Review (PTO-948)  3)□ Information Disclosure Statement(s) (PTO-892)  5)□ Notice of Indraperson's Paten Drawing Review (PTO-948)  5)□ Notice of Indraperson's Paten Drawing Review (PTO-948)  5)□ Notice of Indraperson's Paten Drawing Review (PTO-948)	WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute,  Any reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timularly and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	I.  nely filed  the mailing date of this communication.  D (35 U.S.C. § 133).				
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### **DETAILED ACTION**

This action is responsive to communication filed on September 10, 2007.

### Response to Amendment

The examiner has acknowledged the amendment of claims 1, 6, 15, 16, 19-22, and 25.

## Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 9-11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Reid US Patent 6125082 and further in view of Ayala et al. US patent Application 20020024418.

Regarding claim 1, Cardinale et al. teaches a storage container for rigid control of access by users comprising: a housing; a cover (12) hingedly attached to the housing (figure 1); a lock incorporated into the cover for locking the cover to the housing (col. 8 lines 40-42). Cardinale et al. teaches programming means for controlling the lock for defining the time of accessibility and

inaccessibility (col. 12 lines 24-30) and a power supply (50) for providing electric power to the programming means (col. 10 lines 27-30). Partial open is considered open. Cardinale et al. is however silent on teaching denying access to the container without exception during the time of inaccessibility and the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure. Reid in an analogous art teaches programming time for the opening of a container and access to the lock is denied at other times than the programmed time (col. 2 lines 59-67). Ayala et al. in an art related security enclosure invention teaches a lock moving into the locked state when the door is closed (paragraph 004) representing a conventional practice in order to prevent unauthorized entry into the container and further increasing the security of the container.

It would have been obvious to one of ordinary skill in the art to modify the lockable storage of Cardinale et al. as disclosed by Reid in view of Ayala et al. because spaced interval access times and to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure allows more control of the access times to the container and further increase the security of the container.

Regarding claims 2-3, Cardinale et al teaches the lock comprises an electro-mechanical mechanism evidenced by the electrically operated deadbolt (col. 10 lines 18-24).

Regarding claim 9, Cardinale et al teaches receptacle 15 adapted to receive the bolts 17.

Regarding claim 10, Cardinale et al teaches a microprocessor 41 operatively connected to the cover by the keypad (figure 3).

Regarding claim 11, Cardinale et al teaches control keys 62, display 31 and an electronic memory (col. 9 lines 1-18) associated to the microprocessor 41.

Regarding claim 17, Cardinale et al teaches the programmable processor assembly which include the different components in figure 4 includes a power supply 50.

Regarding claim 18, Cardinale et al teaches the battery is internal to the container as shown in figure 3 and further implying that the battery is accessible only when the cover is opened because the cover control access to the internal of the container.

Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent Application 20020024418 and further in view of Frank Patent Application 2126275.

Regarding claims 4 and 14-16, Cardinale et al. teaches the use of a deadbolt as the locking mechanism in the container but is silent on teaching the use of two reciprocating bolts which move in opposite directions to lock the cover to the housing. Frank in an art related latch mechanism teaches the use of use of two reciprocating spring loaded bolts which move in opposite directions to lock the cover to the housing (abstract) in order to provide a secure locking mechanism to secured the container.

It would have been obvious to one of ordinary skill in the art to have two reciprocating bolts which move in opposite directions to lock the cover to the housing in Cardinale et al in view of Ayala et al. as evidenced by Frank because Cardinale et al. suggests the use of a deadbolt as the locking mechanism in the container and Frank teaches the use of use of two reciprocating bolts which move in opposite directions to lock the cover to the housing in order to provide a secure locking mechanism to secured the container.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US

Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent

Application 20020024418 and further in view of Huff US Patent Application 20050135068.

Regarding claim 5, Cardinale et al. teaches the cover is attached to the housing by hinges (col. 8 lines 1-3) but is not explicit in teaching the cover is detachable. One skilled in the art recognizes that hinges are mounted in a fixed or detachable manner and Huff teaches a detachable cover (paragraph 0032) in order to facilitate the mounting of the electronic controls during the assembling of the container.

It would have been obvious to one of ordinary skill in the art to have a detachable cover in Cardinale et al. in view of Conley in view of Ayala et al. as evidenced by Huff because Cardinale et al. suggests the cover is attached to the housing by hinges and one skilled in the art recognizes that hinges are mounted in a fixed or detachable manner in order to facilitate the mounting of the electronic controls during the assembling of the container.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent Application 20020024418 in view of Huff US Patent Application 20050135068 and further in view of Cohn et al. US Patent 4846537

Regarding claims 6-7, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the

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housing includes detents for receiving and gripping the protrusions on the cover (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover in Cardinale et al. in view of Reid in view of Ayala et al. in view of Huff as evidenced by Cohn et al. because the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US

Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent

Application 20020024418 and further in view of Cohn et al. US Patent 4846537.

Regarding claim 8, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) but is not explicit in teaching the cover includes shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover. Cohn et al. in an art related container invention teaches the cover of a container having protrusions and the housing includes detents for receiving and gripping the protrusions on the cover and the protrusions and the detents are engage by a snap fit (col. 12 lines 35-42) for providing an interlocking mechanism between the cover and the housing of the container.

It would have been obvious to one of ordinary skill in the art for the cover include shaped protrusions and the housing includes detents for receiving and gripping the protrusions on the cover in Cardinale et al. in view of Reid in view of Ayala et al. as evidenced by Cohn et al.

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because the shaped protrusion on the cover and the detents on the housing provides an interlocking mechanism between the cover and the housing of the container

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent Application 20020024418 in view of Hanifl et al. US Patent 4863057 and further in view of O'Neil US Patent 3593916.

Regarding claims 12-13, Cardinale et al. teaches a cover 12 attached to the frame of the container (figure 1) and the cover inherently return to its closed position when there is no means for holding the cover in the open position but is silent on teaching the housing and the cover includes a mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position. Hanifl et al. in an art related container system invention teaches the use of a door stop to control the opening of a container in order to prevent the removal of certain items from the container (col. 1 lines 49-59). The reference teaches O'Neil teaches the conventional practice of a container having a hinged connection configure to limit travel of the container cover and to allow the force of gravity to consistently return the cover to a closed position (col. 1 lines 40-50).

It would have been obvious to one of ordinary skill in the art to have mutually engaging stop to prevent travel of cover more than 70 degrees from the closed position in Cardinale et al. in view of Reid in view of Ayala et al. as evidenced by Hanifl et al. because controlling the opening of the door from the closed positioned protects the removal of certain objects from the container.

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al.

US Patent 6825753 in view of Reid US Patent 6125082 in view of Ayala et al. US patent

Application 20020024418 and further in view of Bonnice et al. US Patent 5016453.

Regarding claim 19, Cardinale et al teaches a programmable, automatically closing, and automatically locking storage container for rigid control of access to its contents by users, comprising: a housing (figure 1); a cover (12), said cover being attached to said housing by hinged moldings (col. 8 lines 1-3) as shown in figure 1; a computer (processor) controlled lock incorporated into the cover for locking the cover to the housing to prevent unauthorized access to the contents of the container (col. 9 lines 33-36). Cardinale et al teaches programmable computer being programmed to accept and store multiple variables and parameters for defining periods of accessibility and inaccessibility of variable duration (col. 12 lines 24-30). Cardinale et al teaches the battery is internal to the container as shown in figure 3 and further implying that the battery is accessible only when the cover is opened because the cover control access to the internal of the container. Cardinale et al. is however silent on teaching defining spaced interval access times, the lock being programmed to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure and is also silent on teaching the power supply is incorporated in the cover. Reid in an analogous art teaches programming time interval for the opening of a container and access to the lock is denied at other times than the programmed intervals (col. 2 lines 59-67). Ayala et al. in an art related security enclosure invention teaches a lock moving into the locked state when the door is closed (paragraph 004) representing a conventional practice in order to prevent unauthorized entry into the container and

further increasing the security of the container. Bonnice et al. teaches the incorporation of the power supply (36) in the door of the container in figure 3.

It would have been obvious to one of ordinary skill in the art to modify the lockable storage of Cardinale et al. as disclosed by Reid in view of Ayala et al. in view of Bonnice et al. because spaced interval access times and to automatically reset to the locked mode when the cover is opened and to immediately lock the cover to the housing upon closure allows more control of the access times to the container and further increase the security of the container and the mounting of the power supply in the door of the container simplifies the manufacturing process of the storage container.

Claim 20-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim US Patent 6510962 in view of Conley US patent 7044302 and further in view of Reid US Patent 6125082.

Regarding claims 20-23 and 25, Conley teaches programming a lockable enclosure to unlock at particular time interval by the user entering a password when an indicator is illuminated (col. 5 lines 35-42, col. 5 lines 56-65) but is silent on teaching the spaced time interval is within a 24-hour period. Lim in an art related time release enclosure teaches programming a lockable enclosure in the form of a pill storage container to permit the user to unlock it only during specific spaced time intervals in a day defined during programming (col. 3 lines 1-30). Lim teaches the container is inaccessible during all other times than the preprogrammed timed interval (col. 7 lines 63-67, col. 9 lines 51-52). Lim teaches the container continue to operate based on the preprogrammed timed interval until the pill supply is exhausted

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(col. 9 lines 18-28) and is therefore reprogram at the specific time of when the pill supply is exhausted. Reid in an analogous art teaches programming time for the opening of a container and access to the lock is denied at other times than the programmed time (col. 2 lines 59-67).

It would have been obvious to one of ordinary skill in the art to modify the enclosure of Conley as disclosed by Lim in view of Reid because a 24-hour time period represents a convenient time period to monitor a patient reaction to a medication and make an adjustment to the dosage if necessary and denying access during the period of inaccessibility allows the automatic control of the dispensing of a substance.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim US Patent 6510962 in view of Conley US patent 7044302 in view of Reid US Patent 6125082 and further in view of Robinson US Patent 5129536.

Regarding claim 24, Conley in view of Lim teaches programming a lockable container permitting the user to unlock the container only during specific spaced time intervals (see response to claim 20) but is silent on teaching the container is a food container. Robinson in an art related time actuated lockable container teaches a food container that programmed to be open at specific times (col. 4 line 50-col. 5 line 20).

It would have been obvious to one of ordinary skill in the art to modify the container of Conley in view of Lim as disclosed by Robinson because in order to prevent dieters and children from accessing certain food except at predetermined time of the day.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vernal Brown

November 13, 2007

TIMOTHY EDWARDS JR.